

House File 2283 - Reprinted

HOUSE FILE _____
BY COMMITTEE ON VETERANS
AFFAIRS

(SUCCESSOR TO HF 2125)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act concerning eligibility for receiving a Vietnam Conflict
2 veterans bonus for a certain period of active duty military
3 service, providing a penalty, and including an effective date
4 and retroactive applicability provision.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

6 HF 2283

7 ec/jg/25

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1 1 Section 1. NEW SECTION. 35A.8A VIETNAM CONFLICT VETERANS
1 2 BONUS == LIMITED RESIDENCY REQUIREMENT == APPROPRIATION.

1 3 1. a. A person who served on active duty for not less
1 4 than one hundred twenty days in the armed forces of the United
1 5 States at any time between July 1, 1958, and May 31, 1975,
1 6 both dates inclusive, and who was inducted into active duty
1 7 service from the state of Iowa and was honorably discharged or
1 8 separated from active duty service, or is still in active
1 9 service in an honorable status, or has been retired, or has
1 10 been furloughed to a reserve, or has been placed on inactive
1 11 status is entitled to receive from moneys appropriated for
1 12 that purpose the sum of seventeen dollars and fifty cents for
1 13 each month that the person was on active duty service in the
1 14 Vietnam service area, within the dates specified in this
1 15 paragraph, if the veteran earned either a Vietnam service
1 16 medal or an armed forces expeditionary medal=Vietnam or can
1 17 otherwise establish service in the Vietnam service area during
1 18 that period. Compensation under this paragraph shall not
1 19 exceed a total sum of five hundred dollars. Compensation for
1 20 a fraction of a month shall not be considered unless the
1 21 fraction is sixteen days or more, in which case the fraction
1 22 shall be computed as a full month.

1 23 b. A person otherwise qualified under paragraph "a" except
1 24 that the person did not earn either a Vietnam service medal or
1 25 an armed forces expeditionary medal=Vietnam and did not serve
1 26 in the Vietnam service area during the period between July 1,
1 27 1958, and May 31, 1975, both dates inclusive, is entitled to
1 28 receive from moneys appropriated for that purpose the sum of
1 29 twelve dollars and fifty cents for each month that the person
1 30 was on active duty service, within the dates specified in
1 31 paragraph "a". Compensation under this paragraph shall not
1 32 exceed a total sum of three hundred dollars. Compensation for
1 33 a fraction of a month shall not be considered unless the
1 34 fraction is sixteen days or more, in which case the fraction
1 35 shall be computed as a full month.

2 1 2. A person otherwise eligible to receive compensation
2 2 pursuant to subsection 1 shall be entitled to compensation
2 3 pursuant to this section if all of the following requirements
2 4 are met:

2 5 a. The person has not received a bonus or compensation
2 6 similar to that provided in this section from this state or
2 7 another state.

2 8 b. The person was on active duty service after July 1,
2 9 1958, and the person did not refuse on conscientious,
2 10 political, religious, or other grounds, to be subject to
2 11 military discipline.

2 12 c. The person made application for a bonus or compensation
2 13 similar to that provided in this section from this state and
2 14 was denied compensation because the person did not meet
2 15 applicable residency requirements.

2 16 d. The person files an application for compensation under

2 17 this section in a manner determined by the department of
2 18 veterans affairs by July 1, 2010.

2 19 3. The surviving unremarried widow or widower, child or
2 20 children, mother, father, or person standing in loco parentis,
2 21 in the order named and none other, of any deceased person
2 22 shall be paid the compensation that the deceased person would
2 23 be entitled to pursuant to this section, if living. However,
2 24 if any person has died or shall die, or is disabled, from
2 25 service-connected causes incurred during the period and in the
2 26 area from which the person is entitled to receive compensation
2 27 pursuant to this section, the person or the first survivor as
2 28 designated by this subsection, and in the order named, shall
2 29 be paid five hundred dollars or three hundred dollars,
2 30 whichever maximum amount would have applied pursuant to
2 31 subsection 1, paragraph "a" or "b", regardless of the length
2 32 of service.

2 33 4. A person who knowingly makes a false statement relating
2 34 to a material fact in supporting an application under this
2 35 section is guilty of a serious misdemeanor. A person
3 1 convicted pursuant to this section shall forfeit all benefits
3 2 to which the person may have been entitled under this section.

3 3 5. All payments and allowances made under this section
3 4 shall be exempt from taxation, levy, and sale on execution.

3 5 6. The bonus compensation authorized under this section
3 6 shall be paid from moneys appropriated for that purpose.

3 7 7. The executive director of the department of veterans
3 8 affairs shall provide for the administration of the bonus
3 9 authorized in this section. The department shall adopt rules,
3 10 pursuant to chapter 17A, as necessary to administer this
3 11 section including but not limited to application procedures,
3 12 investigation, approval or disapproval, and payment of claims.
3 13 The department may expend up to one percent of the moneys
3 14 appropriated for the bonus compensation authorized under this
3 15 section for administrative costs associated with the
3 16 requirements of this section.

3 17 8. This section is repealed June 30, 2011.

3 18 Sec. 2. Section 422.7, subsection 51, Code Supplement
3 19 2007, is amended to read as follows:

3 20 51. Subtract, to the extent included, the amount of any
3 21 Vietnam Conflict veterans bonus provided pursuant to section
3 22 35A.8, subsection 5, and section 35A.8A.

3 23 Sec. 3. EFFECTIVE DATE. This Act, being deemed of
3 24 immediate importance, takes effect upon enactment.

3 25 Sec. 4. RETROACTIVE APPLICABILITY. The section of this
3 26 Act amending section 422.7, is retroactively applicable to
3 27 January 1, 2008, and is applicable for tax years beginning on
3 28 and after that date.

3 29 HF 2283
3 30 ec/jg/25